

1873-018 Chancery Causes: Ward + Gibbony } vs. George F. Ely
Lee Co.

Ward, Gibbony

CA-Debt
T-Property

To the Honorable Henry J Morgan Judge of the
County Court of Lee County

Your Petitioners William Wood and William
Gibbons late merchants and partners in trade under
the firm and style of Wood & Gibbons respectfully
represent that one George H. Ely contracted to pay
them a debt in 1860 and upon this debt they
obtained a judgment in the County Court of this
County ^{for \$125.00 with interest from 6th day of November 1860 and costs amounting to \$46.60} at the August term thereof 1864, upon
which an execution was issued and has
been returned "no property" A transcript of
said judgment and execution is herewith
filed together A. B.

Your Petitioners will
state that the said Ely owns a tract of land
supposed to contain ^{about} situated in said
County upon which he resides, and they are
advised that their said judgment is a lien
upon said land which a Court of equity will
enforce. They pray therefore that the said
George H. Ely be made a defendant to this bill
and answer the same upon oath - that on a
hearing a decree be rendered directing a sufficiency
of the land of the said judgment debtor to be
sold to satisfy said judgment and costs of suit,
as Your Petitioners allege that the rents and
profits of the same will not pay said judgment
and costs of this suit within five years. - they
pray for other and general relief they may
issue &c.

Wm Wood & Wm Gibbons

125
 75
 575
 9125
 6160
 9785
 40 - 1005
 13785
 125
 267.85

(180)

Ward Hibbory

vs. { Bell & Co

Geo. F. Ely

exhibits future

1871 ^{Sept} Bell filed, Sp. Ex. Dec. D. N.
 " Oct Decree nisi confirmed
 " cause set for hearing by Piff.
 " Oct. Term Contd.
 " Nov. " do
 " Dec. " Decree & Contd.
 1872 Jan'y, Feb, March & April Contd.
 " May, June, July & Aug Contd.
 " Sept, Oct, Nov & Dec Contd.
 1873 Jan'y, Feb & March Contd.
 " April Decree final

6.9.52 including March 1873
 2.15.00
 8.50
 7.100
 26.02
 and for 51
 26.53

Ward & Gibbons,

against
Geo H Eg

Plff

Deft

In by

This cause came on this day to be again heard on the papers formerly read and report of Com. Patrick Hegan dated Apr 1st 1873 and was argued by Counsel - And said report being accepted it is confirmed -

On consideration it is ordered that the said Commissioner collect the note of \$187.11 when the same falls due and pay the same to the plaintiff or their attorney - And out of the note execution for costs he will after retaining commission and fees of counsel pay the clerk & Sheriff their costs, And as the said Commissioner is also the attorney for the plaintiff bond is not required from him - And it appearing unnecessary to retain this cause on the docket the same is struck there from.

Ward T. Gibbons

Dr. { Memorial

Geo. F. Ely

Entered Order Book
page 257 + 260.
James H. Orr, clerk.

Enter this Date
H. J. Morgan
April 22/73

Ward & Gibbons

against
Geo L Eg

Plff

sepl

} In try

This cause came on this day to be heard on the bill of the plaintiff exhibits filed and was argued by counsel. And it appearing that process has been executed on the defendant who still fails to appear. The bill is therefore taken per confessor. ~~An consideration whereof it is adjudged ordered and decreed that~~ and it appearing to the court that at the August term 1869 of this cause the plaintiff obtained a judgment against the defendant for the sum of \$125.00 with interest thereon from the 6th day of November 1860 and the costs which amount to \$6.60 - upon which a writ of fieri facias has been issued and is return "no property found" An consideration whereof it is adjudged ordered and decreed that unless the defendant pay to the plaintiff within 20 days from this time the said judgment together with the costs of this suit which he is adjudged to pay - then Patrick Hogan is hereby appointed a special commissioner whose duty it is made to sell the land in the bill mentioned which is owned by the defendant or so much thereof as may be necessary to pay said judgment the costs of this suit and expense of sale. The said Commissioner is directed to sell said land at the front door of the Court house of this County on some Court day on a credit of 1. 2 & 3 years of equal installments but so much as may

he necessary to pay costs shall be required to be
 paid in hand. Said Commission shall
 give due notice at least 27 days before the
 sale at the Court house of this county and in
 the neighborhood where the land lies setting
 forth the time place and terms of sale, but
 it is also adjudged that if the defendant desires the
 said land to be rented out for such period as will
 pay the plaintiff's claim instead of being sold, and
 he notifies the said Commission in writing
 to this effect ^{before sale is made} - then the said Commission shall
 rent the said premises provided that the
 rents shall satisfy the plaintiff's claim and
 all costs within time years otherwise he shall
 sell as directed. He will report his action to this court
 and the cause is continued

[Faint, illegible handwritten notes or signatures in the right margin]

Maria Whitting

of Decree

Geo. L. Ely

Entertained Decree

Henry & Margaret
 Dec 24 1871

Entered O. J. p. 459.
 J. W. Hunt, Clerk.

Nana & Gibbons

Plffs

^v
Geo H Eg

Def

In by

I the undersigned Commissioner do hereby
to State that in obedience to a decree
rendered in this cause he sold the land in
the bill mentioned after due advertisement of
time place & terms at which sale the defendant
George H Eg became the purchaser at the
price of \$229.44 of which sum it will take
\$42.33 to pay the costs of the suit at law & chancery
and for this sum the said Eg executed
to your Commissioner his note to be paid 12
months after date. And for the residue ^{to wit \$187.11} he
executed another note to be paid two years
after date. And for their payment he
has executed a deed of trust to A L
Pridmore trustee - This is not in exact
accordance with the provisions of the decree
rendered in the cause but it secures the
debt due the plaintiff deducting the interest
which accrued during the war. The action
of your Court is his there and done
at the solicitation of the defendant.
So when the plff & defendant are satisfied
others should be. Apr 1st 1873

J. Hagan Com

Ward & Gibbons

v. Report
Geo H. Ely

Filed Apr 1/73

per V. Orr Clerk

Virginia

At a Court of quarter sessions continued and held for Lee
County at the Court House thereof on Saturday the 21st
day of August 1869.

Ward and Gilmaney, late merchants &c

Plffs

against

George H Ely

Def

In Debt

The defendant not appearing. It is considered by the court
that the judgment obtained against them in the Clerks Office
for \$125-00 - the debt in the Declaration mentioned, with legal
interest thereon from the 6th day of November 1860 till paid
and the costs, be made final.

A copy

Teste - James W Orr, Clerk.

Ward & Gilhoney
vs ~~Copy~~ Copy of Judgment
George H. Ely

Filed

Jan 11 1881.

(Exhibit - A)

(Fee for copy 20 cts)

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY---GREETING:

WE COMMAND YOU, that of the goods and chattels of

George F. Ely

_____ late in your bailiwick, you cause to be made \$ *125.⁰⁰*
with legal interest thereon, from the *6th* day of *November*, 18*60*, till paid,
which *William St. Ward & William Gibbons*, under
the firm, name & style of Ward & Gibbons

lately in our County Court for Lee County, has recovered against *him* by suit for *Debt*
also, \$ *6.11* which to the said *Ward & Gibbons*
in our said Court were adjudged for *their* costs in that behalf expended, whereof the said
Ely is _____ convicted, as appears to us of record.

And that you have the same before the Justices of our said Court, at the Court-House on the first
Monday in *July* next, to render to the said *Ward & Gibbons*
_____ of the *Debt* and costs aforesaid.

And have then there this writ. Witness, JOHN B. WEST, Deputy for SYLVESTER E.
~~THOMPSON~~, Clerk of our said Court at the Court-House, this, *20th* day of *April*
1870, in the *94th* year of the Commonwealth.

J. B. West. Clerk.

62.61
82.50
8.50
7.50
16.11

No 6

(182)

WHR

Ward & Gibbon

vs { Fi Fa

George F. Ely

July Rules 1870.

no property
found homestead
signed
Wm W. S. S. L.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU, that of the goods and chattels of *George F. Ely*

late in your bailiwick, you cause to be made \$ *125.00* with legal
interest thereon, from the *6th* day of *November* 18*60*, till paid, which *Ward & Gilson*
Gilson

lately in our County Court for Lee County, have recovered against *him* by suit for *Debt*
also \$ *6.69* Which to the said *Ward & Gilson*
in our said Court were adjudged for *their* costs in that behalf expended, whereof the said *Ely*
is _____ convicted, as appears to us of record. And that you
have the same before the Judge of our said Court, at the Court-House on the first Monday in *September*
next, to render to the said *Ward & Gilson*

of the *Debt* and costs aforesaid.
And have then there this writ. Witness, *John B. West* Clerk of our said Court, at the Court-House, this *7th*
day of *July* 18*70*, in the *95th* year of the Commonwealth.

John B. West Clerk.

A copy
Lester James W. Orr Clerk.

L. 3.19
A. 2.50
S. .50
L. .50
\$ 6.69

No - 6 (182) [24.4 P.]

Hard & Gilmorey

vs Hi Ha

George H Ely

September Rules 1870.

No property found liable
to levy

Daniel S Dickinson, D.S.

for Wm W Sage, S.L.C.

A copy

Teste James W Corliss.

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY---GREETING:
WE COMMAND YOU, that of the goods and chattels of *George H Ely.*

late in your bailiwick, you cause to be made \$ *125.00*
with legal interest thereon, from the *6th* day of *November*, 18*60*, till paid,
which "*Ward & Gihoney*"

lately in our County Court of Lee County, have recovered against him by suit for *Debt*
also, \$ *6.69* which to the said "*Ward & Gihoney*"
in our said Court were adjudged for *their* costs in that behalf expended, whereof the said

Ely is convicted, as appears to us of record.
And that you have the same before the ~~justices~~ *judge* of our said Court, at the Court-House on the first
Monday in *September* next, to render to the said "*Ward & Gihoney*"
of the *Debt* and cost aforesaid.

And have then there this writ. Witness, JOHN B. WEST, ~~Deputy for SYLVESTER E.~~
~~THOMPSON~~, Clerk of our said Court, at the Court-House, this *7th* day of *July*
1870, in the *95th* year of the Commonwealth.

John B West. Clerk.

6. 3.19
A. 2.50
8. .50
7. .50

\$6.69

No. 6.

(182.)

H 40

"Ward & Giboney"

vs 3 Hi Ka.

George H Ely.

September Rules 1840.

No property found
liable to Levy
Dues & Licenses &c.
for
Mr W Sage & Co.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *George F. Ely. A. L. Pridemore Trustees,*
& Patrick Hagan

Circuit
To appear before the Judge of our County Court of Lee County, at the Court House, in the
Clerk's Office, at Rules to be holden for said Court, on the first Monday in *October* next,
to answer a bill in Chancery, exhibited in our said Court against *them* by *William*
Simms

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court,
at the Court House, this *28th* day of *September* 1874 in the *7th* year of the Common-
wealth.

James W. Orr

Clerk.

¹²
William Simms

vs Z Spain City

George F. Ely et al

Oct. Rules 1874

Not Except Legal Service
of the within notice

^{his}
George F. Ely

I accept the legal service
of the within ^{mark} ^{supr}

Oct-19-1874

A. L. Pindemore

P. Hagan